



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/771,581

02/04/2004

Joseph F. Halgas JR.

BCS03146

3806

27774 7590 07/11/2007

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,581	Applicant(s) HALGAS, JOSEPH F.	
	Examiner BRIAN P. YENKE	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment/Election (5/18/07).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 30 and 31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/06/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-3 in the reply filed on 5/18/07 is acknowledged. The traversal is on the ground(s) that the examiner did not identify any genus claims. This is not found persuasive because as stated in the MPEP 806.049(d)[R-3] and (e)[R-5] an election/restriction does not always imply there is a genus claim/generic claim. In the event the applicant believes there is a genus/generic claims the examiner invites the applicant to state such in response to this action.

The requirement is still deemed proper and is therefore made FINAL.

Also, upon further review of claims 30-31 they appear distinct from claims 14-29, wherein claims 14-29 relate to Fig 20, it appears claims 30-31 are directed at another embodiment (Fig 22)—also in this instance no generic claim is found/identified by the examiner. In the event the applicant deems these claims obvious variation with respect to the examined claims the examiner would like the applicant to state such on the record. Any inconvenience is regretted to the applicant.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-21 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn, US 7,106,383.

In considering claims 19, 21 and 23-25,

Kahn discloses a system which includes an OSD processor 112/controller 116, along with memory 122, in addition to display memory 118 (Fig 1) wherein the system determines the display size of the display device, determines the aspect ratio of the display device, determines the aspect ratio of the received video signal and displays the program accordingly (i.e. by resizing/stretching).

In considering claim 20,

Kahn disclose a user interface 20 (meeting the claimed remote) which is coupled to the processor 112 via controller 116.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3a. Claims 14-18 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worrell, US 6,690,425 in view of Kim et al., US 2001/0019365.

In considering claims 14-18 and 27-29,

Worrell, discloses a system which controls an output from a video source 502 (which may be a STB), wherein the system determines the aspect ratio of the incoming signal in addition to the

determination/knowledge of the display setting. The system allows the user to selected a user' predefined aspect ratio but also overrides (i.e. ignores) such user setting in order to prevent a distorted image. Worrell discloses the use of 4:3 or 16:9 aspect ratios signals both in received format and in display format.

However, Worrell does not explicitly recited the conventional features of having multiple modes (i.e. the claimed next available zoom mode) for the 1st and 2nd aspect ratios.

Although this is notoriously well known in the art, the examiner will evidence such by relying on Kim et al, which discloses such (Fig 8).

Thus it would have been clearly obvious to one of ordinary skill in the art to modify Worrell which discloses a system which can receive display multiple aspect ratio signals in addition to allowing a user predefined aspect ratio and override feature, by allowing the system/user to receive/display the numerous types of signals which are available to the consumer/user.

3b. Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn, US 7,106,383.

In considering claims 22,

Kahn does not explicitly disclose the concept of overriding, although this is conventional in the art in order to prevent a distorted position from being display, thus the examiner takes "OFFICIAL NOTICE" regarding such. In the event the applicant traverses such, the examiner notes cited/utilized Worrell, US 6,690,425.

In considering claim 26,

Kahn does not explicitly recite multiple formats of the high definition and standard definition video outputs. This is common practice in the art in order to provide consumers the ability to receive/retrieve/display video from various sources, wherein the various formats allow the system to display a particular format in a optimum display size/format, thus the examiner takes "OFFICIAL NOTICE"

Art Unit: 2622

regarding such. In the event the applicant traverses such, the examiner notes cited/utilized, Kim et al., US 2001/0019365.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892..
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

(TDD) 703-305-7785

Art Unit: 2622

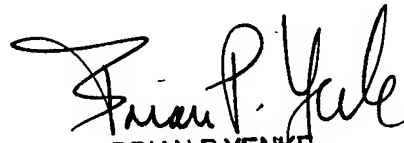
An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y
28 June 2007



BRIAN P. YENKE
PRIMARY EXAMINER

Application/Control Number: 10/771,581.

Page 7

Art Unit: 2622